SAN FRANCISCO
CIVIL SERVICE COMMISSION

MEMORANDA re:
"A GIFT OF TIME" PROGRAM

1991-93

5/S

San Francisco Public Library

Government Information Center
San Francisco Public Library
100 Larkin Street, 5th Floor
San Francisco, CA 94102

REFERENCE BOOK

Not to be taken from the Library

RELEASES

MEMORANDUM

DOCUMENTS DEPT.
DEC 16 1991
SAN FRANCISCO
PUBLIC LIBRARY

DATE : December 13, 1991

TO : All Appointing Officers
Departmental Personnel Officers

FROM : John J. Walsh
General Manager, Personnel

SUBJECT : "A GIFT OF TIME" PROGRAM - TRANSFER OF SICK LEAVE AND/OR VACATION CREDITS TO A CATASTROPHICALLY ILL CITY AND COUNTY EMPLOYEE

Charter Section 8.364 - Authorization to Transfer Unused Sick Leave, and Charter Section 8.441 - Authorization to Transfer Vacation Credits, permit individual employees of the City and County to transfer sick leave and/or vacation credits to other individual employees who are catastrophically ill. These charter sections were implemented by the Board of Supervisors Ordinance Number 114-90 (copy attached).

Section L of Ordinance 114-90 requires the Civil Service Commission to "develop notices with relevant information about the sick leave and vacation credit transfer program, including facts on how and where to apply for registry as a catastrophically ill employee, and how and where employees can contribute sick leave time and vacation credits to catastrophically ill co-workers. These notices shall be distributed to all appointing officers who shall then post them in public places where other notices advising employees of rights and benefits are posted."

The Civil Service Commission has developed and made available for distribution a poster and an informational brochure both titled A GIFT OF TIME. These documents are designed to advise employees of the program to Transfer Sick Leave and/or Vacation Credits To Catastrophically Ill Employees.

Enclosed is a copy of the GIFT OF TIME poster and informational brochure. The poster is to be posted at all locations where other notices for employees are posted. A supply of the brochure is to be maintained in payroll, personnel and administrative offices and provided to employees upon request. Additional copies of both the poster and the brochure may be obtained by calling Oscar Ortiz, in the Assistant Secretary's Office, at 554-4749.

Digitized by the Internet Archive
in 2017 with funding from
Kahle/Austin Foundation

https://archive.org/details/memorandumgiftof1991sanf

Also enclosed is a copy of the current list of catastrophically ill employees identified by their Recipient Identification Number. This list must also be posted adjacent to each GIFT OF TIME poster at all work sites for employees to view. Please call Ed Gazzano, Personnel Director of the Department of Public Health, at 554-2580, if you are not regularly receiving this periodic list.

CIVIL SERVICE COMMISSION

John J. Walsh
General Manager, Personnel

enclosures: "A GIFT OF TIME" Poster (1)
"A GIFT OF TIME" Brochure (1)
Ordinance 114-90
Recipient Identification Number List

8724B

FILE 179-90-2

ERRATA

AMEND ORDINANCE NO. 114-90 BY CORRECTING SECTION NUMBER.

On Lines two and 13: Replace "16.9-27" with "16.9-29".

John L. Taylor
Clerk of the Board
April 12, 1990

AMENDMENT OF THE WHOLE
as further amended 3/19/90

FILE NO. 179-90-2

ORDINANCE NO. 114-90

[Transfer of Sick Leave and Vacation Credits]

ADDING SECTION 16.9-29 OF THE SAN FRANCISCO ADMINISTRATIVE CODE TO IMPLEMENT A TRANSFER OF SICK LEAVE AND VACATION CREDITS TO CATASTROPHICALLY ILL EMPLOYEES, PURSUANT TO CHARTER SECTIONS 8.364 AND 8.441, ADOPTED EFFECTIVE DECEMBER 26, 1989.

NOTE: The entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding section 16.9-29 to read as follows:

A. PURPOSE. This section is enacted as a measure to permit the transfer of sick leave and vacation credits, as authorized by Charter sections 8.364 and 8.441, respectively.

B. DEFINITION OF CATASTROPHIC ILLNESS. In order to be declared catastrophically ill within the meaning of this section, an employee must meet all of the following conditions:

i) the employee has sustained a life-threatening illness or injury;

ii) such illness or injury prevents the employee from returning to work for at least 30 days; and

iii) the employee has already exhausted all available paid sick, vacation, compensatory and in-lieu time.

C. ELIGIBILITY FOR RECEIPT OF TRANSFERS OF SICK LEAVE AND/OR VACATION CREDITS. Any employee of the City and County of San Francisco who is eligible to accumulate and use sick leave and vacation credits may receive transfers of sick leave and vacation credits pursuant to this section, if the employee has been found to meet the definition of catastrophically ill pursuant to the procedures prescribed in this section. This section only provides for receipt of such credits as are donated and does not provide for an absolute right of continued paid leave.

D. PROCEDURE FOR APPLICATION FOR CATASTROPHIC ILLNESS STATUS.

1. An employee must complete a prescribed application form and return it to the Department of Public Health, as indicated on the form, together with supporting medical documentation. The Department of Public Health shall produce and maintain sufficient quantities of the prescribed application for employee access and distribution.

2. The Department of Public Health or its designee shall examine the documentation supporting the application. The Department of Public Health or its designee may ask the applicant to submit further documentation and/or to submit to examination by a physician that it designates to determine in fact that the applicant does suffer from a catastrophic illness within the meaning of these rules. An employee's failure to comply with these requirements may be grounds for rejection of the application.

3. After the Department of Public Health makes its determination, it shall notify the employee and the

employee's department head, and for vacation leave transfers the employee's department head must assent to the determination.

3/19/90

4. In order to continue to qualify as catastrophically ill, an employee who has been determined to be catastrophically ill may from time to time be required (i) to submit to specified examination and/or (ii) to supply further documentation of current medical status, as is necessary in the opinion of the Department of Public Health or its designee in order to continue to qualify as catastrophically ill; provided, however, that such requests shall not be made for the purpose of harassing said employee.

5. If an employee is determined not to be catastrophically ill, the employee shall have a right to appeal the decision through an administrative appeal process to be established by the Public Health Commission, and which shall include the right to a review by the Director of the Department of Public Health and, finally, a hearing before the Public Health Commission. The Department of Public Health shall automatically provide the employee with a written letter setting forth the reasons for denial and the procedure for filing an administrative appeal. The Public Health Commission shall promulgate and post the administrative appeal rules within 14 days from the effective date of this ordinance. The administrative appeal process in its entirety shall not exceed 60 days. An employee whose application has been disapproved is not obligated to exhaust the administrative appeals process before reapplying, and instead the employee may reapply after observing a 30 day wait period from the date of the initial denial.

E. ELIGIBILITY TO TRANSFER SICK LEAVE AND/OR VACATION CREDITS. Any employee of the City and County of San Francisco who is not catastrophically ill and who is eligible to accumulate and use vacation credits and sick leave may transfer sick leave and/or vacation credits to another employee subject to the following conditions;

i) the transferring employee must retain a minimum sick leave balance of 64 hours;

ii) transfers must be in units of 8 hours;

iii) all transfers are irrevocable;

iv) the transferring employee may transfer hours once per pay period per recipient;

v) the transferring employee may transfer a maximum of 80 hours per pay period and 480 hours per calendar year; and

vi) neither the transferring employee nor the designated recipient may be in violation of subsection 1.

F. POSTING OF ELIGIBLE RECIPIENTS.

1. The Department of Public Health shall assign an exclusive number to each catastrophically ill employee deemed eligible to receive sick leave time and/or vacation credit transfers under these rules;

2. The Department of Public Health shall maintain, reproduce, and post a running list of catastrophically ill employees, to be identified only by their special numbers, in order to let transferring employees designate a recipient;

3. The list may include the amounts of sick leave and vacation credits already transferred or on reserve for each employee; and

4. In all cases, the Department of Public Health and its designees shall shield and protect the true identities

of catastrophically ill employees and the right of employees to confidentiality protections.

G. RECEIPT OF TRANSFERRED SICK LEAVE AND VACATION CREDITS BY A CATASTROPHICALLY ILL EMPLOYEE.

1. All hours transferred shall be credited as sick leave for the receiving employee. As they are used, they shall be treated as use of the employee's own sick leave for all purposes, including for continued accrual of vacation credits, sick leave, and retirement service; service for pay increments; and eligibility for holiday pay

2. At the beginning of each pay period, a catastrophically ill employee must use all sick leave and vacation credits accrued during the previous pay period before using any transferred hours.

3. An employee who has been determined catastrophically ill may use transferred hours retroactively from the date of certification of eligibility back to the date of application.

4. A receiving employee may use transferred credits in a pay period to the extent that when combined with other compensation from the City and County and all other benefits from public sources, the total does not exceed the pay for 100% of the employee's regularly scheduled hours for such pay period (excluding regularly scheduled overtime and premium pay). A receiving employee may be required to provide financial records to prove compliance with this subsection. Failure to provide such records is grounds for exclusion from eligibility to receive sick leave and vacation credit transfers pursuant to this section.

5. The maximum number of hours that can be transferred to an employee for any single catastrophic illness is 3,120.

H. CONFIDENTIALITY.

1. All medical records submitted by an employee pursuant to this statute are to be kept confidential by the Department of Public Health or its designee.

2. Until the Department of Public Health has rendered its opinion pursuant to subsection D that the employee is catastrophically ill, the fact of an employee's application is to be kept confidential by the parties processing the application and not shared with the employee's department head.

3. The names of employees donating hours pursuant to this provision are to remain confidential.

4. Violation of the provisions of this subsection or any other existing to confidentiality protections shall be grounds for disciplinary action.

I. NO SELLING OR COERCION.

1. No individual shall directly or indirectly solicit the receipt of, or accept, any compensation in full or partial exchange directly or indirectly, for sick leave or vacation credits to be transferred pursuant to this section.

2. No individual shall solicit the receipt of, or accept, the transfer of any sick leave or vacation credits pursuant to this section in full or partial exchange, directly or indirectly, for any compensation.

3. No individual shall threaten or in any way attempt to coerce an employee with respect to transfer of sick

leave or vacation credits pursuant to this section.

4. Violation of the provisions of this subsection shall be grounds for disciplinary action.

J. LIMITATION. In undertaking the adoption and enforcement of this ordinance, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

3/19/90

K. REVIEW.

1. Within six months following final passage of this ordinance, a Task Force on Transfer Benefits shall be assembled to review the sick leave and vacation transfer programs, the report of the Executive Director of Employee Relations on the costs of purchasing long term disability insurance for employees of the City and County of San Francisco, this ordinance, and the performance of City and County departments in carrying out their charter and statutory obligations.

ajp

2. The Task Force shall be composed of seven members, with one member each representing the Health Commission, Civil Service Commission, and Retirement Board; two members representing employee associations; one member representing the public; and one member representing persons with catastrophic illnesses.

3. Members of the Task Force shall be appointed by the Board of Supervisors in accordance with the composition

requirements established herein; and

4. The Task Force shall prepare a report with its findings and recommendations for improvements or modifications in the sick leave and vacation credit transfer program, ~~if any there be,~~ and to be presented to the Board of Supervisors and Mayor within 120 days from the date of the first meeting of the Task Force.

L. NOTICES. The Civil Service Commission shall develop notices with relevant information about the sick leave and vacation credit transfer program, including facts on how and where to apply for registry as a catastrophically ill employee, and how and where employees can contribute sick leave time and vacation credits to catastrophically ill co-workers. These notices shall be distributed to all appointing officers who shall then post them in public places where other notices advising employees of rights and benefits are posted.

M. TERMINATION OF THIS PROVISION. Unless otherwise specified by ordinance or Charter provision, the provisions of this ordinance shall expire upon the effective date of a successor ordinance or Charter section providing for transfer of sick leave and vacation credits or upon the effective date of an ordinance or Charter section instituting a long-term disability program.

N. RETROACTIVE. The provisions of this ordinance shall be effective retroactively to the date the relevant charter amendments were certified by the State of California.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney
By: Louise R. Renne
Deputy City Attorney

BOARD OF SUPERVISORS

8

Board of Supervisors, San Francisco

Passed for Second Reading		Finally Passed
March 19, 1990		March 26, 1990
Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Maher Nelder Walker		Ayes: Supervisors Alioto Britt Gonzalez Hallinan Hongisto Hsieh Kennedy Maher Nelder Walker
Absent: Supervisors Kennedy Ward		

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 179-90-2

APR 02 1990
Date Approved

Mayor

TRANSFER OF SICK LEAVE AND/OR VACATION CREDITS TO CATASTROPHICALLY ILL EMPLOYEES

The following is a list of catastrophically ill employees, identified by their Recipient Identification Number, as of 11/01/91 (DATE).

RECIPIENT IDENTIFICATION NUMBER	NUMBER OF HOURS TRANSFERRED	CURRENT VACATION BALANCE	CURRENT SICK PAY BALANCE	VALID UNTIL
000002	756	15.01	112.00	11/03/91
000010	976	5.44	315.56	11/24/91
000012	2028	5.21	175.52	11/09/91
000015	624	0.32	96.27	12/25/91
000030	1104	18.48	49.38	01/22/92
000038	464	20.79	102.62	01/01/92
000042	370	4.65	9.98	11/14/91
000046	2048	3.08	327.88	03/31/92
000048	1064	4.62	258.39	06/06/92
000050	760	4.62	30.02	01/09/92
000055	392	39.43	159.99	02/28/92
000059	1048	7.40	29.97	09/25/91
000060	304	0.97	64.36	12/31/91
000061	688	0	0	11/04/91
000068	400	2.30	1.02	12/06/91
000073	576	16.51	30.94	04/08/92
000081	400	0.28	0.01	05/01/92
000084	840	80.00	636.30	06/18/92
000085	352	34.61	136.41	11/03/91
000086	120	7.97	82.43	11/18/91
000087	336	27.19	251.85	01/15/92
000092	432	31.82	283.03	12/05/91
000095	496	22.38	436.73	01/01/92
000096	176	1.09	161.41	04/11/92
000097	0	266.65	106.40	03/15/92
000098	280	4.62	253.68	12/05/91
000100	0	26.86	12.97	11/15/91
000101	0	94.07	14.75	01/01/92
000102	0	8.46	7.72	01/15/92
000103	0	53.44	14.64	12/31/91
000104	0	50.33	40.20	12/12/91
000105	0	3.32	1.52	01/31/92

* SKIPPED RECIPIENT IDENTIFICATION NUMBERS INDICATE THAT EMPLOYEE HAS RETIRED, RESIGNED, DECEASED, OR PERIOD OF CATASTROPHIC ILLNESS STATUS HAS EXPIRED.

0106(8)

RECEIVED
AUDITOR OF THE
CITY AND COUNTY
SAN FRANCISCO
1991 NOV 14 PM 2:13

A GIFT OF TIME

TRANSFER OF SICK LEAVE AND/OR VACATION CREDITS TO CATASTROPHICALLY ILL EMPLOYEES

City and County of San Francisco
Civil Service Commission 1990

A N D U M

ers

AM – TRANSFER OF SICK LEAVE AND/OR CATASTROPHICALLY ILL CITY AND COUNTY

S TO "A GIFT OF TIME" PROGRAM

ion to Transfer Unused Sick Leave, and
o Transfer Vacation Credits, permit
unty to transfer sick leave and/or
ployees who are catastrophically ill.
by ordinance of the Board of

recently amended by three separate
s 49-92 and 50-92. All changes to
ance 50-92 (copy attached).

ges to the GIFT OF TIME Program that
ide possible. It is requested that
es will be communicated to all
ice and a copy of A GIFT OF TIME
loyee of the City and County and to
ncisco Community College District with
San Francisco Unified School District
stribution the week of March 2.

od has been eliminated for those
ie Department of Public Health for

etiring during the period January 31,
under Proposition A (Charter Section
provision), these three restrictions

A. the transferring employee must retain a minimum sick leave balance of 64 hours;

B. the transferring employee may transfer only once per pay period per recipient; and

C. the transferring employee may transfer a maximum of 80 hours per pay period and 480 hours per calendar year.

While these three restrictions are suspended for Proposition A retirees, they remain in effect for all other employees.

Reaching out to the needs of catastrophically ill employees of the City and County of San Francisco, the San Francisco Board of Supervisors has enacted Ordinance 114-90. This ordinance allows City and County employees to donate a portion of their accumulated sick leave or vacation credits to catastrophically ill co-workers.

How Can I Be The Recipient Of Another's Sick Leave Or Vacation Credits?

Before you can be granted a donation of sick leave or vacation time from another City and County employee, it first must be determined that you are suffering from a catastrophic illness. Catastrophic illness, as defined by this ordinance, means:

- You must have sustained a life-threatening illness or injury;
- This illness or injury prevents you from returning to work for at least 30 days; and
- You must have previously exhausted all of your available paid sick, vacation, compensatory and in-lieu time.

A N D U M

ers

AM – TRANSFER OF SICK LEAVE AND/OR
CATASTROPHICALLY ILL CITY AND COUNTY

S TO "A GIFT OF TIME" PROGRAM

ion to Transfer Unused Sick Leave, and
o Transfer Vacation Credits, permit
unty to transfer sick leave and/or
ployees who are catastrophically ill.
by ordinance of the Board of

recently amended by three separate
s 49-92 and 50-92. All changes to
ance 50-92 (copy attached).

ges to the GIFT OF TIME Program that
ade possible. It is requested that
es will be communicated to all
ice and a copy of A GIFT OF TIME
loyee of the City and County and to
ncisco Community College District with
San Francisco Unified School District
stribution the week of March 2.

od has been eliminated for those
ie Department of Public Health for

etiring during the period January 31,
under Proposition A (Charter Section
provision), these three restrictions

A. the transferring employee must retain a minimum sick leave balance of 64 hours;

B. the transferring employee may transfer only once per pay period per recipient; and

C. the transferring employee may transfer a maximum of 80 hours per pay period and 480 hours per calendar year.

While these three restrictions are suspended for Proposition A retirees, they remain in effect for all other employees.

How Can I Donate My Sick Leave Or Vacation Credits to a Catastrophically Ill Employee?

To donate sick leave or vacation credits to another City and County employee, you:

- **Must not be catastrophically ill;**
- **Must be eligible to accumulate and use sick leave and vacation credits;**
- **Must retain a minimum of 64 hours sick leave for your own personal use.**

In order to donate, you must complete a Donor's Vacation/Sick Pay Transfer form which is available from your departmental Payroll/ Personnel office. On the form you must specify the amount of sick leave or vacation credits you wish to donate and the special Recipient Identification Number of a co-worker that has been designated catastrophically ill. The Department of Public Health will maintain, reproduce and periodically circulate a list of Recipient Identification Numbers in order that donors may easily specify a beneficiary of their sick leave or vacation credits.

The maximum donation you may make during any given pay period is 80 hours (2 weeks); the maximum donation you may make per calendar year is 480 hours (12 weeks). Sick leave/vacation hours must be transferred in 8-hour increments and may be transferred only once per pay period, per recipient. All transfers are final and irrevocable.

Your Sick Leave and Vacation Credits Are Not *For Sale*

Sick leave and vacation credits, granted to each employee through their service to the City and County of San Francisco, cannot be sold, bartered or traded to any other employee under any circumstances. The only provision for affording another employee a portion of your sick leave or vacation credits is under the stipulations of this ordinance. There are no exceptions.

For Further Information...

If you would like further information regarding Ordinance 114-90, copies are available for inspection in your departmental Payroll/ Personnel Office.

City and County of San Francisco — **Civil Service Commission**

MEMORANDUM

DATE : February 26, 1992

TO : All Appointing Officers
Departmental Personnel Officers

FROM : John J. Walsh
General Manager, Personnel

SUBJECT: I. "A GIFT OF TIME" PROGRAM - TRANSFER OF SICK LEAVE AND/OR VACATION CREDITS TO A CATASTROPHICALLY ILL CITY AND COUNTY EMPLOYEE

II. ANNOUNCEMENT OF CHANGES TO "A GIFT OF TIME" PROGRAM

Charter Section 8.364 - Authorization to Transfer Unused Sick Leave, and Charter Section 8.441 - Authorization to Transfer Vacation Credits, permit individual employees of the City and County to transfer sick leave and/or vacation credits to other individual employees who are catastrophically ill. These charter sections were implemented by ordinance of the Board of Supervisors.

The original ordinance (114-90) was recently amended by three separate changes: Ordinance 12-92 and Ordinances 49-92 and 50-92. All changes to Ordinance 114-90 are contained in Ordinance 50-92 (copy attached).

I want to highlight the recent changes to the GIFT OF TIME Program that the Board of Supervisors has recently made possible. It is requested that each department insure that these changes will be communicated to all employees. In addition, a separate notice and a copy of A GIFT OF TIME brochure will be distributed to each employee of the City and County and to each classified employee of the San Francisco Community College District with pay checks on Tuesday, March 10, 1992. San Francisco Unified School District classified employees will receive the distribution the week of March 2.

The recent changes are

1. The thirty (30) day waiting period has been eliminated for those employees who wish to apply to the Department of Public Health for catastrophic illness status; and

2. Exclusively for those employees retiring during the period January 31, 1992 and prior to March 31, 1992 under Proposition A (Charter Section 8.517-92 - The "Early Retirement" provision), these three restrictions have been eliminated:

   A. the transferring employee must retain a minimum sick leave balance of 64 hours;

   B. the transferring employee may transfer only once per pay period per recipient; and

   C. the transferring employee may transfer a maximum of 80 hours per pay period and 480 hours per calendar year.

   While these three restrictions are suspended for Proposition A retirees, they remain in effect for all other employees.

Section L of Ordinance 50-92 requires the Civil Service Commission to "develop notices with relevant information about the sick leave and vacation credit transfer program, including facts on how and where to apply for registry as a catastrophically ill employee, and how and where employees can contributes sick leave time and vacation credits to catastrophically ill co-workers. These notices shall be distributed to all appointing officers who shall then post them in public places where other notices advising employees of rights and benefits are posted."

The Civil Service Commission has developed and made available for distribution a poster and an informational brochure both titled A GIFT OF TIME. These documents are designed to advise employees of the program to Transfer Sick Leave and/or Vacation Credits To Catastrophically Ill Employees.

Enclosed is a copy of the GIFT OF TIME poster and a copy of the informational brochcure. The poster is to be posted at all locations where other notices for employees are normally posted. A supply of the brochure is to be maintained in payroll, personnel and administrative offices and provided to employees upon request. Additional copies of both the poster and the brochure may be obtained by calling the Civil Service Commission, Assistant Secretary's Office, at 554-4749. Departments may also have messengers pick-up a supply of either the poster or the brochure at the Civil Service Commission Mail and Reproduction Unit, Room 52C (basement) City Hall (Hours are 8 a.m. to 12 Noon; 1 p.m. to 5 p.m., Monday through Friday).

Also enclosed is a copy of the current list of catastrophically ill employees identified by their Recipient Identification Number. This list must also be posted adjacent to each GIFT OF TIME poster at all work sites for employees to view. Please call Ed Gazzano, Personnel Director of the Department of Public Health, at 554-2580, if you are not regularly receiving this periodic list.

CIVIL SERVICE COMMISSION

John J. Walsh
General Manager, Personnel

enclosures: "A GIFT OF TIME" Poster (1)
"A GIFT OF TIME" Brochure (1)
Ordinance 50-92
Recipient Identification Number List

(0406B)

TRANSFER OF SICK LEAVE AND/OR VACATION CREDITS TO CATASTROPHICALLY ILL EMPLOYEES

The following is a list of catastrophically ill employees, identified by their Recipient Identification Number, as of 2/11/92 (DATE).

RECIPIENT IDENTIFICATION NUMBER	NUMBER OF HOURS TRANSFERRED	CURRENT VACATION BALANCE	CURRENT SICK PAY BALANCE	VALID UNTIL
000002	876	3.66	3.17	05/03/92
000012	2148	5.21	57.00	06/30/92
000015	984	4.62	44.48	04/30/92
000037	695	3.08	133.43	03/01/92
000046	2426	3.08	281.44	03/31/92
000048	1424	4.62	342.68	06/06/92
000050	1160	4.62	168.83	03/31/92
000055	392	19.77	99.99	02/28/93
000073	1160	28.54	420.94	04/08/92
000081	992	4.62	326.15	05/01/92
000084	912	98.48	255.28	06/18/92
000086	480	41.10	176.71	03/15/92
000087	576	56.72	204.74	04/01/92
000096	384	20.48	86.84	04/11/92
000097	0	59.99	44.01	04/30/92
000101	320	60.37	171.16	03/31/92
000103	280	43.83	21.77	03/31/92
000104	144	70.02	0.50	02/25/92
000107	288	9.81	289.78	06/30/92
000108	200	14.32	365.74	03/31/92
000109	496	53.29	531.21	04/30/92
000110	272	12.09	216.32	04/18/92
000113	0	4.68	30.05	03/11/92
000114	232	6.82	253.83	02/28/92
000115	0	100.07	35.51	05/01/92
000116	0	50.47	6.10	04/30/92
000117	0	4.62	154.48	03/31/92
000118	0	3.47	4.42	07/01/92
000119	0	140.89	61.40	04/17/92
000120	80	6.58	90.29	06/30/92
000121	0	81.93	27.78	06/30/92
000122	0	15.47	36.50	04/15/92
000123	0	70.13	13.30	05/10/92
000124	0	38.23	16.43	02/01/93

* SKIPPED RECIPIENT IDENTIFICATION NUMBERS INDICATE THAT THE EMPLOYEE HAS RETIRED, RESIGNED, IS DECEASED, OR THE PERIOD OF CATASTROPHIC ILLNESS STATUS HAS EXPIRED.

0106(8)

As amended in Board 2/3/92

FILE NO. 92-92-3

ORDINANCE NO. 50-92

[Transfer of Sick Leave and Vacation Benefits]

AMENDING CHAPTER 16, ARTICLE I OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 16.9-29 THEREOF, RELATING TO TRANSFER OF SICK LEAVE AND VACATION BENEFITS TO CATASTROPHICALLY ILL EMPLOYEES, BY SUSPENDING, FOR EMPLOYEES RETIRING PURSUANT TO CHARTER SECTION 8.517-2, THE REQUIREMENTS THAT DONORS RETAIN A MINIMUM OF 64 HOURS OF SICK LEAVE AND THE MAXIMUM NUMBERS OF HOURS THAT CAN BE TRANSFERRED IN A PAY PERIOD OR YEAR.

NOTE: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 16, Article I of the San Francisco Administrative is hereby amended by amending Section 16.9-29 thereof, to read as follows:

SEC. 16.9-29 TRANSFER OF SICK LEAVE AND VACATION CREDITS TO CATASTROPHICALLY SICK EMPLOYEES.

(a) PURPOSE. This section is enacted as a measure to permit the transfer of sick leave and vacation credits, as authorized by Charter Sections 8.364 and 8.441, respectively.

(b) DEFINITION OF CATASTROPHIC ILLNESS. In order to be declared catastrophically ill within the meaning of this section, an employee must meet all of the following conditions:

(1) The employee has sustained a life-threatening illness or injury;

(2) Such illness or injury prevents the employee from returning to work for at least 30 days; and

(3) The employee has already exhausted all available paid sick leave, vacation, compensatory and in-lieu time.

(c) ELIGIBILITY OF RECEIPT OF TRANSFERS OF SICK LEAVE AND/OR VACATION CREDITS. Any employee of the City and County of San Francisco who is eligible to accumulate and use sick leave and vacation credits may receive transfers of sick leave and vacation credits pursuant to this section, if the employee has been found to meet the definition of catastrophically ill pursuant to the procedures prescribed in this section. This section only provides for receipt of such credits as are donated and does not provide for an absolute right of continued paid leave.

(d) PROCEDURE OF APPLICATION FOR CATASTROPHIC ILLNESS STATUS.

(1) An employee must complete a prescribed application form and return it to the Department of Public Health, as indicated on the form, together with supporting medical documentation. The Department of Public Health shall produce and maintain sufficient quantities of the prescribed application for employee access and distribution.

(2) The Department of Public Health or its designee shall examine the documentation supporting the application. The Department of Public Health or its designee may ask the applicant to submit further documentation and/or to submit to examination by a physician that it designates to determine in fact that the applicant does suffer from a catastrophic illness within the meaning of these rules. An employee's failure to comply with these requirements may be grounds for rejection of the application.

(3) After the Department of Public Health makes its determination, it shall notify the employee and the employee's department head, and for vacation leave transfers the employee's department head must assent to the determination.

(4) In order to continue to qualify as catastrophically ill, an employee who has been determined to be catastrophically ill may from time to time be required (i) to submit to specified examination and/or (ii) to supply further documentation of current medical

status, as is necessary in the opinion of the Department of Public Health or its designee in order to continue to qualify as catastrophically ill; provided, however, that such request shall not be made for the purpose of harassing said employee.

(5) If an employee is determined not to be catastrophically ill, the employee shall have a right to appeal the decision through an administrative appeal process to be established by the Public Health Commission, and which shall include the right to review by the Director of the Department of Public Health and, finally, a hearing before the Public Health Commission. The Department of Public Health shall automatically provide the employee with a written letter setting for the reasons for denial and the procedure for filing an administrative appeal. The Public Health Commission shall promulgate and post the administrative appeal rules within 14 days from the effective date of this ordinance. The administrative appeal process in its entirety shall not exceed 60 days. An employee whose application has been disapproved is not obligated to exhaust the administrative appeals process before reapplying, and instead the employee may reapply after observing a 30-day wait period from the date of the initial denial.

(e) ELIGIBILITY TO TRANSFER SICK LEAVE AND/OR VACATION CREDITS. Any employee of the City and County of San Francisco who is eligible to accumulate and use vacation credits and sick leave may transfer sick leave and/or vacation credits to another employee subject to the following conditions:

(1) The transferring employee must retain a minimum sick leave balance of 64 hours;

(2) Transfers must be in units of eight hours;

(3) All transfers are irrevocable;

///

(4) The transferring employee may transfer hours once per pay period per recipient;

(5) The transferring employee may transfer a maximum of 80 hours per pay period and 480 hours per calendar year; and

(6) Neither the transferring employee nor the designated recipient may be in violation of Subsection (i).

Notwithstanding the foregoing, for employees retiring after January 31, 1992 and prior to March 31, 1992 pursuant to Charter section 8.517-2, conditions (1), and (4), (5) shall not be applicable.

2/3/92 ejp

(f) POSTING OF ELIGIBLE RECIPIENTS.

(1) The Department of Public Health shall assign an exclusive number to each catastrophically ill employee deemed eligible to receive sick leave time and/or vacation credit transfers under these rules;

(2) The Department of Public Health shall maintain, reproduce and post a running list of catastrophically ill employees, to be identified only by their special numbers, in order to let transferring employees designate a recipient;

(3) The list may include the amounts of sick leave and vacation credits already transferred or on reserve to each employee; and

(4) In all cases, the Department of Public Health and its designees shall shield and protect the true identities of catastrophically ill employees and the right of employees to confidentiality protections.

(g) RECEIPT OF TRANSFERRED SICK LEAVE AND VACATION CREDITS BY A CATASTROPHICALLY ILL EMPLOYEE.

(1) All hours transferred shall be credited as sick leave for the receiving employee. As they are used, they shall be treated as use of the employee's own sick leave for all purposes, including for

continued accrual of vacation credits, sick leave, and retirement service; service for pay increments; and eligibility for holiday pay.

(2) At the beginning of each pay period, a catastrophically ill employee must use all sick leave and vacation credits accrued during the previous pay period before using any transferred hours.

(3) An employee who has been determined catastrophically ill may use transferred hours retroactively from the date of certification of eligibility back to the date of application.

(4) A receiving employee may use transferred credits in a pay period to the extent that when combined with other compensation from the City and County and all other benefits from public sources, the total does not exceed the pay for 100 percent of the employee's regularly scheduled hours for such pay period (excluding regularly schedule overtime and premium pay). A receiving employee may be required to provide financial records to prove compliance with this subsection. Failure to provide such records is grounds for exclusion from eligibility to receive sick leave and vacation credit transfers pursuant to this section.

(5) The maximum number of hours that can be transferred to an employee for any single catastrophic illness is 3,120.

(h) CONFIDENTIALITY.

(1) All medical records submitted by an employee pursuant to this statute are to be kept confidential by the Department of Public Health or its designee.

(2) Until the Department of Public Health has rendered its opinion pursuant to subsection (d) that the employee is catastrophically ill, the fact of an employee's application is to be kept confidential by the parties processing the application and not shared with the employee's department head.

///

(3) The names of employees donating hours pursuant to this provision are to remain confidential.

(4) Violation of the provisions of this subsection or any other relating to confidentiality protections shall be grounds for disciplinary action.

(i) NO SELLING OR COERCION.

(1) No individual shall directly or indirectly solicit the receipt of, or accept, any compensation in full or partial exchange directly or indirectly, for sick leave or vacation credits to be transferred pursuant to this section.

(2) No individual shall solicit the receipt of, or accept, the transfer of any sick leave or vacation credits pursuant to this section in full or partial exchange, directly or indirectly, for any compensation.

(3) No individual shall threaten or in any way attempt to coerce an employee with respect to transfer of sick leave or vacation credits pursuant to this section.

(4) Violation of the provisions of this subsection shall be grounds for disciplinary action.

(j) LIMITATION. In undertaking the adoption and enforcement of this ordinance, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(k) REVIEW.

(1) Within six months following final passage of this ordinance, a Task Force on Transfer Benefits shall be assembled to review the sick leave and vacation transfer programs, the report of the Executive Director of Employee Relations on the costs of

purchasing long term disability insurance for employees of the City and County of San Francisco, this ordinance, and the performance of City and County departments in carrying out their Charter and statutory obligations.

(2) The Task Force shall be composed of seven members, with one member each representing the Health Commission, Civil Service Commission, and Retirement Board; two members representing employee associations; one member representing the public; and one member representing persons with catastrophic illnesses;

(3) Members of the Task Force shall be appointed by the Board of Supervisors in accordance with the composition requirements established herein; and

(4) The Task Force shall prepare a report with its findings and recommendations for improvements or modifications in the sick leave and vacation credit transfer program, and to be presented to the Board of Supervisors and Mayor within 120 days from the date of the first hearing of the Task Force.

(l) NOTICES. The Civil Service Commission shall develop notices with relevant information about the sick leave and vacation credit transfer program, including facts on how and where to apply for registry as a catastrophically ill employee, and how and where employees can contribute sick leave time and vacation credits to catastrophically ill co-workers. These notices shall be distributed to all appointing officers who shall then post them in public areas where other notices advising employees of rights and benefits are posted.

(m) TERMINATION OF THIS PROVISION. Unless otherwise specified by ordinance of Charter provision, the provision of this ordinance shall expire upon the effective date of a successor ordinance or Charter section providing for transfer of sick leave and vacation credits or upon the effective date of an ordinance or Charter section instituting a long-term disability program.

(n) RETROACTIVE. The provisions of this ordinance shall be effective retroactively to the date the relevant Charter amendments were certified by the State of California.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading	§	Finally Passed
	§	
February 3, 1992	§	February 10, 1992
	§	
	§	
Ayes: Supervisors Achtenberg Alioto	§	Ayes: Supervisors Achtenberg Alioto
Britt Gonzalez Hallinan Hsieh	§	Britt Gonzalez Hallinan Hsieh
Kennedy Maher Migden Shelley Ward	§	Kennedy Maher Migden Shelley Ward

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
97-92-3

FEB 20 1992
Date Approved

Mayor

DOCUMENTS DEPT.
AUG 10 1992
SAN FRANCISCO
PUBLIC LIBRARY

MEMORANDUM

DATE : August 7, 1992

TO : Appointing Officers
Personnel Officers
Payroll and Personnel Clerks

PUBLIC LIBRARY
CIVIC CENTER BRANCH
DOCUMENTS SECTION
1 ML (54) BOX 41

FROM : Albert C. Walker
General Manager, Personnel

SUBJECT: ANNOUNCEMENT OF CHANGE TO "A GIFT OF TIME" PROGRAM

"A Gift of Time" Program enables individual employees of the City and County to transfer sick leave and/or vacation credits to other individual employees who are catastrophically ill. The original ordinance (114-90) was amended by Ordinances 12-92, 49-92, 50-92, and most recently, 202-92 (copy attached). All changes to the original ordinance are reflected in Ordinance 202-92.

The most recent change, as approved by the Board of Supervisors on June 22, 1992, is as follows:

> If a catastrophically ill employee dies, retires or resigns before having used all hours transferred under "A Gift of Time" program, the unused hours are divided equally among catastrophically ill employees with sick leave balances of 40 hours or less. No catastrophically ill employee may receive more than 40 hours under this distribution.
>
> If this is not sufficient to exhaust the deceased, retired or resigned employee's unused hours, the remainder is then divided equally among all catastrophically ill employees with sick leave balances of 80 hours or less. No catastrophically ill employee may receive more than 40 hours under this distribution.
>
> If this is not sufficient to exhaust the deceased, retired or resigned employee's unused hours, the remainder is then divided equally among all catastrophically ill employees with sick leave balances of 120 hours or less. No catastrophically ill employee may receive more than 40 hours under this distribution.

If there are still transferred hours remaining, further applications of this rule in increments of 40 hours are applied until all the employee's remaining hours will have been redistributed.

In summary, any hours transferred to a catastrophically ill employee which remain unused at that employee's death, resignation or retirement will be distributed among certain other catastrophically ill employees, unless the donating employee specifies otherwise.

Please communicate this change to your employees. In addition, Section L of Ordinance 50-92 requires all appointing officers to post notices regarding "A Gift of Time" in public places where other notices advising employees of rights and benefits are posted.

"A Gift of Time" posters and informational brochures are available for pickup at the Civil Service Information Center, 44 Gough Street, lobby level, 8 a.m. to 5 p.m. Monday through Friday; or the Civil Service Commission Mail and Reproduction Unit, Room 52C (basement) City Hall, 8.a.m. to 12 noon, 1 p.m. to 5 p.m. Monday through Friday.

If you have any questions about "A Gift of Time," please contact Edgar Poma, Senior Personnel Analyst, at 554-4723.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

Enclosure: Ordinance 202-92

1351B

FILE NO. 97-92-24 ORDINANCE NO. 202-92

[Transfer of Sick Leave and Vacation Benefits] AMENDING CHAPTER 16, ARTICLE I OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 16.9-29(g) THEREOF, RELATING TO TRANSFER OF SICK LEAVE AND VACATION BENEFITS TO CATASTROPHICALLY ILL EMPLOYEES, BY PROVIDING THAT HOURS TRANSFERRED TO A CATASTROPHICALLY ILL EMPLOYEE WHICH REMAIN UNUSED AT THAT EMPLOYEE'S DEATH, RESIGNATION, OR RETIREMENT SHALL BE DISTRIBUTED AMONG CERTAIN OTHER CATASTROPHICALLY ILL EMPLOYEES, UNLESS THE DONATING EMPLOYEE SPECIFIES OTHERWISE.

NOTE: Additions or substitutions are **underlined**:
deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 16, Article I of the San Francisco Administrative is hereby amended by amending Section 16.9-29 thereof, to read as follows:

SEC. 16.9-29 TRANSFER OF SICK LEAVE AND VACATION CREDITS TO CATASTROPHICALLY SICK EMPLOYEES.

(a) PURPOSE. This section is enacted as a measure to permit the transfer of sick leave and vacation credits, as authorized by Charter Sections 8.364 and 8.441, respectively.

(b) DEFINITION OF CATASTROPHIC ILLNESS. In order to be declared catastrophically ill within the meaning of this section, an employee must meet all of the following conditions:

(1) The employee has sustained a life-threatening illness or injury; and

///

(2) The employee has already exhausted all available paid sick leave, vacation, compensatory and in-lieu time.

(c) ELIGIBILITY FOR RECEIPT OF TRANSFERS OF SICK LEAVE AND/OR VACATION CREDITS. Any employee of the City and County of San Francisco who is eligible to accumulate and use sick leave and vacation credits may receive transfers of sick leave and vacation credits pursuant to this section, if the employee has been found to meet the definition of catastrophically ill pursuant to the procedures prescribed in this section. This section only provides for receipt of such credits as are donated and does not provide for an absolute right of continued paid leave.

(d) PROCEDURE FOR APPLICATION FOR CATASTROPHIC ILLNESS STATUS.

(1) An employee must complete a prescribed application form and return it to the Department of Public Health, as indicated on the form, together with supporting medical documentation. The Department of Public Health shall produce and maintain sufficient quantities of the prescribed application for employee access and distribution.

(2) The Department of Public Health or its designee shall examine the documentation supporting the application. The Department of Public Health or its designee may ask the applicant to submit further documentation and/or to submit to examination by a physician that it designates to determine in fact that the applicant does suffer from a catastrophic illness within the meaning of these

///

rules. An employee's failure to comply with these requirements may be grounds for rejection of the application.

(3) After the Department of Public Health makes its determination, it shall notify the employee and the employee's department head, and for vacation leave transfers the employee's department head must assent to the determination.

(4) In order to continue to qualify as catastrophically ill, an employee who has been determined to be catastrophically ill may from time to time be required (i) to submit to specified examination and/or (ii) to supply further documentation of current medical status, as is necessary in the opinion of the Department of Public Health or its designee in order to continue to qualify as catastrophically ill; provided, however, that such request shall not be made for the purpose of harassing said employee.

(5) If an employee is determined not to be catastrophically ill, the employee shall have a right to appeal the decision through an administrative appeal process to be established by the Public Health Commission, and which shall include the right to review by the Director of the Department of Public Health and, finally, a hearing before the Public Health Commission. The Department of Public Health shall automatically provide the employee with a written letter setting for the reasons for denial and the procedure for filing an administrative appeal. The Public Health Commission shall promulgate and post the administrative appeal rules within 14 days from the effective date of this ordinance. The administrative

appeal process in its entirety shall not exceed 60 days. An employee whose application has been disapproved is not obligated to exhaust the administrative appeals process before reapplying, and instead the employee may reapply after observing a 30-day wait period from the date of the initial denial.

(e) ELIGIBILITY TO TRANSFER SICK LEAVE AND/OR VACATION CREDITS. Any employee of the City and County of San Francisco who is eligible to accumulate and use vacation credits and sick leave may transfer sick leave and/or vacation credits to another employee subject to the following conditions:

(1) The transferring employee must retain a minimum sick leave balance of 64 hours;

(2) Transfers must be in units of eight hours;

(3) All transfers are irrevocable;

(4) The transferring employee may transfer hours once per pay period per recipient;

(5) The transferring employee may transfer a maximum of 80 hours per pay period and 480 hours per calendar year; and

(6) Neither the transferring employee nor the designated recipient may be in violation of Subsection (i).

Notwithstanding the foregoing, for employees retiring after January 31, 1992 and prior to March 31, 1992 pursuant to Charter section 8.517-2, conditions (1), (4) and (5) shall not be applicable.

(f) POSTING OF ELIGIBLE RECIPIENTS.

///

(1) The Department of Public Health shall assign an exclusive number to each catastrophically ill employee deemed eligible to receive sick leave time and/or vacation credit transfers under these rules;

(2) The Department of Public Health shall maintain, reproduce and post a running list of catastrophically ill employees, to be identified only by their special number, in order to let transferring employees designate a recipient;

(3) The list may include the amounts of sick leave and vacation credits already transferred or on reserve to each employee; and

(4) In all cases, the Department of Public Health and its designees shall shield and protect the true identities of catastrophically ill employees and the right of employees to confidentiality protections.

(g) RECEIPT OF TRANSFERRED SICK LEAVE AND VACATION CREDITS BY A CATASTROPHICALLY ILL EMPLOYEE.

(1) All hours transferred shall be credited as sick leave for the receiving employee. As they are used, they shall be treated as use of the employee's own sick leave for all purposes, including for continued accrual of vacation credits, sick leave, and retirement service; service for pay increments; and eligibility for holiday pay.

(2) At the beginning of each pay period, a catastrophically ill employee must use all sick leave and vacation credits accrued during the previous pay period before using any transferred hours.

(1) An employee who has been determined catastrophically ill may use transferred hours retroactively from the date of certification of eligibility back to the date of application.

(4) A receiving employee may use transferred credits in a pay period to the extent that when combined with other compensation from the City and County and all other benefits from public sources, the total does not exceed the pay for 100 percent of the employee's regularly scheduled hours for such pay period (excluding regularly scheduled overtime and premium pay). A receiving employee may be required to provide financial records to prove compliance with this subsection. Failure to provide such records is grounds for exclusion from eligibility to receive sick leave and vacation credit transfers pursuant to this section.

(5) The maximum number of hours that can be transferred to an employee for any single catastrophic illness is 3,120.

(6) If a catastrophically ill employee dies, retires, or resigns before having used all hours transferred pursuant to this provision, the unused hours shall be divided equally among catastrophically ill employees with sick leave balances of 40 hours or less, provided that no catastrophically ill employee shall receive more than 40 hours under such procedure. If this is not sufficient to exhaust the deceased, retired, or resigned employee's unused hours, the remainder shall then be divided equally among all catastrophically ill employees with sick leave balances of 80 hours or less, provided that no catastrophically ill employee shall

receive more than 40 hours under such procedure; if this is not sufficient to exhaust the deceased, retired, or resigned employee's unused hours, the remainder shall then be divided equally among all catastrophically ill employees with sick leave balances of 120 hours or less, provided that no catastrophically ill employee shall receive more than 40 hours under such procedure; further applications of this rule in increments of 40 hours shall be applied until all the deceased employee's remaining hours shall have been redistributed.

(h) CONFIDENTIALITY.

(1) All medical records submitted by an employee pursuant to this statute are to be kept confidential by the Department of Pubic Health or its designee.

(2) Until the Department of Public Health has rendered its opinion pursuant to subsection (d) that the employee is catastrophically ill, the fact of an employee's application is to be kept confidential by the parties processing the application and not shared with the employee's department head.

(3) The names of employees donating hours pursuant to this provision are to remain confidential.

(4) Violation of the provisions of this subsection or any other relating to confidentiality protections shall be grounds for disciplinary action.

(i) NO SELLING OR COERCION

///

(1) No individual shall directly or indirectly solicit the receipt of, or accept, any compensation in full or partial exchange directly or indirectly, for sick leave or vacation credits to be transferred pursuant to this section.

(2) No individual shall solicit the receipt of, or accept, the transfer of any sick leave or vacation credits pursuant to this section in full or partial exchange, directly or indirectly, for any compensation.

(3) No individual shall threaten or in any way attempt to coerce an employee with respect to transfer of sick leave or vacation credits pursuant to this section.

(4) Violation of the provisions of this subsection shall be grounds for disciplinary action.

(j) LIMITATION. In undertaking the adoption and enforcement of this ordinance, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(k) REVIEW.

(1) Within six months following final passage of this ordinance, a Task Force on Transfer Benefits shall be assembled to review the sick leave and vacation transfer programs, the report of the Executive Director of Employee Relations on the costs of purchasing long term disability insurance for employees of the City

and County of San Francisco, this ordinance, and the performance of City and County departments in carrying out their Charter and statutory obligations.

(2) The Task Force shall be composed of seven members, with one member each representing the Health Commission, Civil Service Commission, and Retirement Board; two members representing employee associations; one member representing the public; and one member representing persons with catastrophic illnesses;

(3) Members of the Task Force shall be appointed by the Board of Supervisors in accordance with the composition requirements established herein; and

(4) The Task Force shall prepare a report with its findings and recommendations for improvements or modifications in the sick leave and vacation credit transfer program, and to be presented to the Board of Supervisors and Mayor within 120 days from the date of the first hearing of the Task Force.

(l) NOTICES. The Civil Service Commission shall develop notices with relevant information about the sick leave and vacation credit transfer program, including facts on how and where to apply for registry as a catastrophically ill employee, and how and where employees can contribute sick leave time and vacation credits to catastrophically ill co-workers. These notices shall be distributed to all appointing officers who shall then post them in public places where other notices advising employees of rights and benefits are posted.

(m) TERMINATION OF THIS PROVISION. Unless otherwise specified by ordinance of Charter provision, the provision of the ordinance shall expire upon the effective date of a successor ordinance or Charter section providing for transfer of sick leave and vacation credits or upon the effective date of an ordinance or Charter section instituting a long-term disability program.

(n) RETROACTIVE. The provisions of this ordinance shall be effective retroactively to the date the relevant Charter amendments were certified by the State of California.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
CLAUDE F. ROLM
Deputy City Attorney

Board of Supervisors, San Francisco

Passed for Second Reading

June 22, 1992

Ayes: Supervisors Achtenberg Britt
Conroy Gonzalez Hallinan Hsieh
Kennedy Maher Migden Shelley

Absent: Supervisor Alioto

Finally Passed

June 29, 1992

Ayes: Supervisors Achtenberg Britt
Conroy Gonzalez Hallinan Hsieh
Kennedy Maher Migden Shelley

Absent: Supervisor Alioto

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
97-92-24

JUL 10 1992

Date Approved

Mayor

M E M O R A N D U M

DATE : August 7, 1992

TO : Appointing Officers
Departmental Personnel Officers
Payroll and Personnel Staff
Employee Organizations

FROM : Albert C. Walker
General Manager, Personnel

SUBJECT: ESTABLISHMENT OF FEES FOR SIX CIVIL SERVICE COMMISSION PUBLICATIONS

At its meeting of August 3, 1992, the Civil Service Commission established, under the authority of Section 8.326 of the San Francisco Administrative Code, fees for the following six (6) Civil Service Commission publications:

EMPLOYEE HANDBOOK	$ 2.00
CIVIL SERVICE COMMISSION ANNUAL REPORT	$ 2.00
CIVIL SERVICE COMMISSION DEPARTMENTAL POLICY MANUAL	$ 5.00
CIVIL SERVICE COMMISSION DIRECTORY OF DIVISIONS, FUNCTIONS, AND RESOURCE PERSONNEL	$ 3.00
PAY EQUITY STUDY	$20.00
PRELIMINARY SALARY SURVEY (BENCHMARK BOOK)	$ 5.00

A small supply of the EMPLOYEE HANDBOOK will be provided to each department so that each new employee may be given a copy. A revised edition of the EMPLOYEE HANDBOOK will be published on approximately September 4, 1992. Departmental representatives may pick up a small supply of the new EMPLOYEE HANDBOOK after it is published at either the Civil Service Information Center, 44 Gough Street, First Floor Lobby, or from the Civil Service Commission Mail and Reproduction Unit, Room 52C City Hall.

One complimentary copy of the CIVIL SERVICE COMMISSION DIRECTORY OF DIVISIONS, FUNCTIONS, AND RESOURCE PERSONNEL will be provided to each department and to each recognized employee organization after it is published on approximately September 4, 1992.

The PAY EQUITY STUDY and PRELIMINARY SALARY SURVEY (BENCHMARK BOOK) for Fiscal Year 1993-94 will be published in January 1993. These publications will be available for inspection or purchase at either the Civil Service Information Center or the Civil Service Commission Assistant Secretary's Office, Room 153 City Hall.

The CIVIL SERVICE COMMISSION ANNUAL REPORT for Fiscal Year 1991-92 will be available for purchase in early October at either the Civil Service Commission Information Center or the Assistant Secretary's Office.

When these documents are available, they may either be reproduced or copies may be purchased for the fees listed from the Assistant Secretary's Office or from the Civil Service Information Center, 44 Gough Street, First Floor Lobby. Purchases must be made using either check or exact cash. No change will be available.

Arrangements may be made to have additional copies of these publications mailed or routed. Contact the Assistant Secretary's Office at 554-4747 to make these arrangements.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

ACW:jm

(1332B)

City and County of San Francisco **Civil Service Commission**

MEMORANDUM
No. 93-3

PUBLIC LIBRARY
CIVIC CENTER BRANCH
DOCUMENTS SECTION
1 ML (54) BOX 41

DATE : January 22, 1992

TO : Appointing Officers
Personnel Officers
Payroll and Personnel Clerks

DOCUMENTS DEPT.
JAN 26 1993
SAN FRANCISCO
PUBLIC LIBRARY

FROM : Albert C. Walker
General Manager, Personnel

SUBJECT: **ANNOUNCEMENT OF CHANGE TO "A GIFT OF TIME" PROGRAM"**

"A Gift of Time" enables individual employees of the City and County to transfer sick leave and/or vacation credits to other individual employees who are catastrophically ill. The original ordinance was amended by Ordinances 12-92, 49-92, 50-92, 202-92, and most recently, 2-93 (copy attached). All changes to the original ordinance are reflected in Ordinance 2-93.

The most recent change, as approved by the Mayor on January 11, 1993, is the elimination of the provision that the maximum number of hours that may be transferred to an employee for any single catastrophic illness is 3,120 (78 weeks). Effective immediately, there is no limit on the number of donated hours that an employee may accept as long as the employee maintains catastrophic illness status. However, an individual donor is still restricted to a maximum donation of 480 hours (12 weeks) per calendar year and 80 hours (2 weeks) per pay period.

Please communicate these changes to your employees. In addition, Section L of the ordinance requires all appointing officers to post notices regarding "A Gift of Time" in public places where other notices advising employees of rights and benefits are posted.

"A Gift of Time" posters and informational brochures are available for pickup at the Civil Service Information Center, 44 Gough Street, lobby level, 8 a.m. to 5 p.m. Monday through Friday; or the Civil Service Mail and Reproduction Unit, Room 52H (basement) City Hall, 8 a.m. to 12 noon, 1 p.m. to 5 p.m. Monday through Friday.

If you have any questions about "A Gift of Time," please contact Edgar Poma, Senior Personnel Analyst, at 554-4723.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

Enclosure: Ordinance 2-93

AMENDMENT OF THE WHOLE

FILE NO. 97-97-67 ORDINANCE NO. 92-93

[Transfer of Sick Leave and Vacation Benefits]

AMENDING CHAPTER 16, ARTICLE I OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 16.9-29 THEREOF, RELATING TO THE TRANSFER OF SICK LEAVE AND VACATION BENEFITS TO CATASTROPHICALLY ILL EMPLOYEES, BY ELIMINATING THE LIMITATION ON THE MAXIMUM NUMBER OF HOURS THAT CAN BE TRANSFERRED TO AN EMPLOYEE FOR ANY SINGLE CATASTROPHIC ILLNESS AND BY IMPOSING A SUNSET CLAUSE ON THE ELIMINATION OF THAT MAXIMUM AFTER 18 MONTHS.

NOTE: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 16, Article I of the San Francisco Administrative Code is hereby amended by amending Section 16.9-29 thereof, to read as follows:

SEC. 16.9-29. TRANSFER OF SICK LEAVE AND VACATION CREDITS TO CATASTROPHICALLY SICK EMPLOYEES.

(a) PURPOSE. This section is enacted as a measure to permit the transfer of sick leave and vacation credits, as authorized by Charter Sections 8.364 and 8.441, respectively.

(b) DEFINITION OF CATASTROPHIC ILLNESS. In order to be declared catastrophically ill within the meaning of this section, an employee must meet all of the following conditions:

(1) The employee has sustained a life-threatening illness or injury; and

(2) The employee has already exhausted all available paid sick leave, vacation, compensatory and in-lieu time.

(c) ELIGIBILITY FOR RECEIPT OF TRANSFERS OF SICK LEAVE AND/OR VACATION CREDITS. Any employee of the City and County of San Francisco who is eligible to accumulate and use sick leave and vacation credits may receive transfers of sick leave and vacation credits pursuant to this section, if the employee has been found to meet the definition of catastrophically ill pursuant to the procedures prescribed in this section. This section only provides for receipt of such credits as are donated and does not provide for an absolute right of continued paid leave.

(d) PROCEDURE FOR APPLICATION FOR CATASTROPHIC ILLNESS STATUS.

(1) An employee must complete a prescribed application form and return it to the Department of Public Health, as indicated on the form, together with supporting medical documentation. The Department of Public Health shall produce and maintain sufficient quantities of the prescribed application for employee access and distribution.

(2) The Department of Public Health or its designee shall examine the documentation supporting the application. The Department of Public Health or its designee may ask the applicant to submit further documentation and/or to submit to examination by a

physician that it designates to determine in fact that the applicant does suffer from a catastrophic illness within the meaning of these rules. An employee's failure to comply with these requirements may be grounds for rejection of the application.

(3) After the Department of Public Health makes its determination, it shall notify the employee and the employee's department head, and for vacation leave transfers the employee's department head must assent to the determination.

(4) In order to continue to qualify as catastrophically ill, an employee who has been determined to be catastrophically ill may from time to time be required (i) to submit to specified examination and/or (ii) to supply further documentation of current medical status, as is necessary in the opinion of the Department of Public Health or its designee in order to continue to qualify as catastrophically ill; provided, however, that such request shall not be made for the purpose of harassing said employee.

(5) If an employee is determined not to be catastrophically ill, the employee shall have a right to appeal the decision through an administrative appeal process to be established by the Public Health Commission, and which shall include the right to review by the Director of the Department of Public Health and, finally, a hearing before the Public Health Commission. The Department of Public Health shall automatically provide the employee with a written letter setting forth the reasons for denial and the procedure for filing an administrative appeal. The Public Health

Commission shall promulgate and post the administrative appeal rul within 14 days from the effective date of this ordinance. The administrative appeal process in its entirety shall not exceed 60 days. An employee whose application has been disapproved is not obligated to exhaust the administrative appeals process before reapplying, and instead the employee may reapply after observing a 30-day wait period from the date of the initial denial.

(e) ELIGIBILITY TO TRANSFER SICK LEAVE AND/OR VACATION CREDITS. Any employee of the City and County of San Francisco who is eligible to accumulate and use vacation credits and sick leave may transfer sick leave and/or vacation credits to another employe subject to the following conditions:

(1) The transferring employee must retain a minimum sick leave balance of 64 hours;

(2) Transfers must be in units of eight hours;

(3) All transfers are irrevocable;

(4) The transferring employee may transfer hours once per pay period per recipient;

(5) The transferring employee may transfer a maximum of 8 hours per pay period and 480 hours per calendar year; and

(6) Neither the transferring employee nor the designated recipient may be in violation of Subsection (i).

Notwithstanding the foregoing, for employees retiring after Januar 31, 1992 and prior to March 31, 1992 pursuant to Charter section 8.517-2, conditions (1), (4) and (5) shall not be applicable.

(f) POSTING OF ELIGIBLE RECIPIENTS.

(1) The Department of Public Health shall assign an exclusive number to each catastrophically ill employee deemed eligible to receive sick leave time and/or vacation credit transfers under these rules;

(2) The Department of Public Health shall maintain, reproduce and post a running list of catastrophically ill employees, to be identified only by their special number, in order to let transferring employees designate a recipient;

(3) The list may include the amounts of sick leave and vacation credits already transferred or on reserve to each employee; and

(4) In all cases, the Department of Public Health and its designees shall shield and protect the true identities of catastrophically ill employees and the right of employees to confidentiality protections.

(g) RECEIPT OF TRANSFERRED SICK LEAVE AND VACATION CREDITS BY A CATASTROPHICALLY ILL EMPLOYEE.

(1) All hours transferred shall be credited as sick leave for the receiving employee. As they are used, they shall be treated as use of the employee's own sick leave for all purposes, including for continued accrual of vacation credits, sick leave, and retirement service; service for pay increments; and eligibility for holiday pay.

(2) At the beginning of each pay period, a catastrophically

ill employee must use all sick leave and vacation credits accrued during the previous pay period before using any transferred hours.

(3) An employee who has been determined catastrophically ill may use transferred hours retroactively from the date of certification of eligibility back to the date of application.

(4) A receiving employee may use transferred credits in a pay period to the extent that when combined with other compensation from the City and County and all other benefits from public sources, the total does not exceed the pay for 100 percent of the employee's regularly scheduled hours for such pay period (excluding regularly scheduled overtime and premium pay). A receiving employee may be required to provide financial records to prove compliance with this subsection. Failure to provide such records is grounds for exclusion from eligibility to receive sick leave and vacation credit transfers pursuant to this section.

(5) ((The maximum number of hours that can be transferred to an employee for any single catastrophic illness is 3,120.

(6))) If a catastrophically ill employee dies, retires, or resigns before having used all hours transferred pursuant to this provision, the unused hours shall be divided equally among catastrophically ill employees with sick leave balances of 40 hours or less, provided that no catastrophically ill employee shall receive more than 40 hours under such procedure. If this is not sufficient to exhaust the deceased, retired, or resigned employee's unused hours, the remainder shall then be divided equally among all

catastrophically ill employees with sick leave balances of 80 hours or less, provided that no catastrophically ill employee shall receive more than 40 hours under such procedure; if this is not sufficient to exhaust the deceased, retired, or resigned employee's unused hours, the remainder shall then be divided equally among all catastrophically ill employees with sick leave balances of 120 hours or less, provided that no catastrophically ill employee shall receive more than 40 hours under such procedure; further applications of this rule in increments of 40 hours shall be applied until all the deceased employee's remaining hours shall have been redistributed.

(h) CONFIDENTIALITY.

(1) All medical records submitted by an employee pursuant to this statute are to be kept confidential by the Department of Public Health or its designee.

(2) Until the Department of Public Health has rendered its opinion pursuant to subsection (d) that the employee is catastrophically ill, the fact of an employee's application is to be kept confidential by the parties processing the application and not shared with the employee's department head.

(3) The names of employees donating hours pursuant to this provision are to remain confidential.

(4) Violation of the provisions of this subsection or any other relating to confidentiality protections shall be grounds for disciplinary action.

(i) NO SELLING OR COERCION.

(1) No individual shall directly or indirectly solicit the receipt of, or accept, any compensation in full or partial exchange directly or indirectly, for sick leave or vacation credits to be transferred pursuant to this section.

(2) No individual shall solicit the receipt of, or accept, the transfer of any sick leave or vacation credits pursuant to this section in full or partial exchange, directly or indirectly, for any compensation.

(3) No individual shall threaten or in any way attempt to coerce an employee with respect to transfer of sick leave or vacation credits pursuant to this section.

(4) Violation of the provisions of this subsection shall be grounds for disciplinary action.

(j) LIMITATION. In undertaking the adoption and enforcement of this ordinance, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(k) REVIEW.

(1) Within six months following final passage of this ordinance, a Task Force on Transfer Benefits shall be assembled to review the sick leave and vacation transfer programs, the report of the Executive Director of Employee Relations on the costs of

purchasing long term disability insurance for employees of the City and County of San Francisco, this ordinance, and the performance of City and County departments in carrying out their Charter and statutory obligations.

(2) The Task Force shall be composed of seven members, with one member each representing the Health Commission, Civil Service Commission, and Retirement Board; two members representing employee associations; one member representing the public; and one member representing persons with catastrophic illnesses;

(3) Members of the Task Force shall be appointed by the Board of Supervisors in accordance with the composition requirements established herein; and

(4) The Task Force shall prepare a report with its findings and recommendations for improvements or modifications in the sick leave and vacation credit transfer program, and to be presented to the Board of Supervisors and Mayor within 120 days from the date of the first meeting of the Task Force.

(l) NOTICES. The Civil Service Commission shall develop notices with relevant information about the sick leave and vacation credit transfer program, including facts on how and where to apply for registry as a catastrophically ill employee, and how and where employees can contribute sick leave time and vacation credits to catastrophically ill co-workers. These notices shall be distributed to all appointing officers who shall then post them in public places

/ / /

where other notices advising employees of rights and benefits are posted.

(m) TERMINATION OF THIS PROVISION. Unless otherwise specified by ordinance o((f))r Charter provision, the provision of this ordinance shall expire upon the effective date of a successor ordinance or Charter section providing for transfer of sick leave and vacation credits or upon the effective date of an ordinance or Charter section instituting a long-term disability program.

(n) RETROACTIVE. The provisions of this ordinance shall be effective retroactively to the date the relevant Charter amendments were certified by the State of California.

(o) SUNSET. The amendment by which the cap of 3120 hours that may be transferred to an employee has been eliminated shall expire 18 months after the effective date of this ordinance. Thereafter the cap shall go back into effect. Not later than 14 months after this ordinance goes into effect the clerk shall calendar for hearing in the appropriate committee consideration of whether legislation should be adopted to continue the removal of the cap. At that time the Board of Supervisors can evaluate the fiscal consequences in light of the City's experience under the removal of the cap.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakey
Deputy City Attorney